

Summary of the FY02 Omnibus Legislative Proposals

The following is a synopsis of certain sections of the FY02 Omnibus Legislative Proposals of interest to the United States Marine Corps.

Section 2 (Amends Chapter 18, Title 10): Requires court costs in a federal magistrate's court assessed against a criminal who committed a crime aboard a military installation to be deposited in an account that supports the installation.

Section 4 (Amends Section 1044a(b)(4) of Title 10): Authorizes civilian employees including nonlawyer assistants (e.g., paralegals and legal assistance officer in-take personnel) to act as notaries for military personnel and those eligible for military legal assistance.

Section 8 (Amends Section 7545 of Title 10): Clarifies which items may be loaned by SecNav under this section, and gives SecNav the authority to donate portions of the hull and superstructure of a vessel stricken from the Naval Vessel register to a qualified organization, so long as the organization agrees to properly maintain the item's historical value and not bring discredit upon the Navy.

Section 9 (Amends Section 16401 of Title 10): Ensure that members of the Platoon Leaders Class attending law school in an inactive reserve status are eligible to participate in the Marine Corps Platoon Leaders Class tuition Assistance Program.

Section 13 (Amends Sections 611, 624, 631, 14101, 14308, and 14505 of Title 10): Provide Service Secretaries the option to convene a selection board for promotion to O-3 based upon the determination that all fully qualified officers eligible for consideration are needed to accomplish mission objectives within a competitive category. Provides the authority to promote officers to O-3 in the same manner officers are promoted to O-2, and provides for the separation of officers who are twice found not qualified for promotion, twice failed selection for promotion, or any combination thereof.

Section 14 (Amends Section 688(e) of Title 10): Exempts retired officers serving as defense attaches from the time and number limitations of recall service for retired members.

Section 16 (Amends Section 517(a) of Title 10): Revises the method of calculating the limitation on the number of active duty E-8 and E-9s.

Section 34 (Amends Section 404 of Title 37): Authorizes military members traveling pursuant to military orders who receive promotional items such as frequent flyer miles, upgrades, and access to carrier clubs and facilities, to retain such items.

Section 35 (Amends Section 40125 of Title 49): Makes it clear that military aircraft, including Reserve and National Guard aircraft, are public aircraft when operating under DoD direction regardless of purpose and regardless of source of reimbursement.

Section 36 (Amends Section 101(a) of Title 10): Makes it clear that military aircraft are always considered sovereign, state aircraft during international operations.

Section 38 (Amends Section 640 of Title 10): Provides Service Secretaries authority to re-establish a reasonable retirement date when an individual's medical evaluation is completed after the initial retirement date.

Section 43 (Amends Section 2634 of Title 10 and Section 5727 of Title 5): Exempts motor vehicles shipped overseas by military members and federal employees from the provisions of the Anti-Car Theft Act of 1992,,as amended, which requires U.S. customs officers to conduct random inspections and other investigatory functions before vehicles are exported.

Section 51 (Amends Section 525 of Title 10): Authorizes the Marine Corps to have a lieutenant general serve as commanding general of II MEF in addition to the 10

lieutenant generals already authorized for other billets so described, but does not increase the overall Marine Corps general officer end strength; in effect, the Marine Corps gains one lieutenant general billet but loses one major general billet.

Section 73 : Authorizes SecDef to make certain military and civilian information technology specialists eligible for special pay incentives.

Section 84 (Amends section 411f of Title 37 and Section 1482 of title 10): Provide uniform treatment among all family members of persons who die on active duty or inactive duty to receive travel and transportation allowances to attend burial services.

Section 85 (Amends Section 227 of the Communications Act of 1934): Makes it unlawful to use certain electronic device to transmit unsolicited advertisements to DoD telephone lines or computer terminals, and provides a civil enforcement mechanism of this new measure.

Section 86 (Amends Section 523 of Title 10): Revises the manner in which end strengths are computed for active duty commissioned officers in the grades of 0-4, 0-5, and 0-6. Authorizes the appropriation of \$916,276,000 for Defense Working Capital Funds and \$388,158,000 for the National Defense Sealift Fund.

Section 90 (Amends Section 552 of Title 5): Allows agencies that bear the costs of processing FOIA requests to retain 90 percent of the fees collected and to use them for administering FOIA program services.

Section 91 (Amends Section 3634 of Title 10): Authorizes non-appropriated fund instrumentalities of the military departments to sell recordings of military special bands and retain proceeds from the sales as governed by service regulations.

Section 92 (Amends Section 2004 of Title 10): Authorizes an officer detailed to law school to accept a scholarship from the school without incurring any additional service obligation beyond that incurred in the Funded Legal education Program.

Section 107 (Amends Section 10206 of title 10): Eliminates the requirement for a physical every 5 years for members of the IRR and instead require a physical upon a call to active duty or when necessary to meet military requirements.

Section 108 (Amends Sections 101 and 206 of Title 37): Authorizes compensation to a Reserve member for the completion of a required course of study undertaken by distributed learning(i.e., without requiring the physical presence of an instructor).

Section 109 (Amends Titles 10, 14, and 38): Provides the same benefits to reserve members conducting funeral honors as provided when Reserve members perform inactive duty training (IDT) or are traveling to and from IDT.

Section 110 (Amends Section 435 of Title 37): Provides service secretaries with the authority to pay funeral honors duty allowance to military retirees who volunteer to perform honors for a veteran's funeral.

Section 112 (Amends Section 4303 of Title 38): Ensures Reserve members who are absent from their civilian place of employment to train or perform funeral honors for veterans will retain reemployment rights and protections.

Section 113 (Amends Section 16133 of Title 10): Extends maximum period for Select Reserve members to use Montgomery G.I. Bill benefits from 10 years to 14 years after end of active duty service.

Section 114 (Amends Section 501 of title 37): Authorizes payment of accrued leave to Reserve members beyond the 60 day maximum, but only for those members on active duty for more than 30 days but less than 365 days.

Section 115 (Amends Section 1448 of Title 10): Provides Survivor Benefit Plan coverage to surviving spouses of certain Ready Reserve members if the members had completed the required years of service to qualify for a non-regular retirement.

Section 116 (Amends Section 308 of Title 37): Allows service secretaries to pay incentives to individuals with critically short skills during wartime and to extend enlistments in the Individual Ready Reserve.

Section 122 (Amends Section 1063 of Title 10): Authorizes members of Select Reserve to use commissary services immediately after end of active duty service instead of waiting to accumulate 50 creditable points.

Section 123 (Amends Section 1370 of Title 10): Allows an officer found medically disqualified by a PEB for a non-service connected disability to retire, if otherwise eligible, at the grade currently held provided that the officer has served six months in that grade.

Section 124 (Amends Section 6323 of Title 5): Adds funeral honors as an authorized duty for which federal employees may take military leave from their civilian employment.

Section 125 (Amends Section 10154 of Title 10): Allows service secretaries to transfer Reserve officers to the Retired Reserve without a request from the officer when officer fails selection for promotion, or is required to be transferred because of age or length of service.

Section 126 (Amends Section 14502 of Title 10): Allows service secretaries to convene special selection boards to consider officers from below-zone categories not considered for promotion because of an administrative error or who were considered but not selected due to material error.

Section 127 (Amends Section 115 of Title 10): Authorizes Reserve members ordered to active duty in support of a contingency operation to be added to authorized active duty end strength.

Section 128 (Amends Section 12731 of Title 10): Reduces Reserve service requirements for non-regular retirement from eight years to six years.

Section 133 (Amends Section 407 of Title 37): Authorizes dislocation allowance for military couples without dependents who occupy government quarters in conjunction with a PCS move.

Section 134 (Amends Section 1087 of Title 20): Reinstates the federal student loan deferment program for service in the U.S. Armed Forces for up to three years.

Section 137 (Amends Section 2634 of Title 10): Authorizes members to ship a POV in CONUS to a new duty station if it would not exceed the cost of driving the POV to the new duty station.

Section 138 (Amends Section 427 of Title 37): Authorizes payment of family separation allowance to members who elect an unaccompanied tour because dependents are denied travel for medical reasons.

Section 139 (Amends Section 612 of Title 10): Authorizes Reserve members not on the active duty list to be appointed to selection boards.

Section 143 (Amends Section 403 of Title 37): Extends payment of temporary BAH to members below E-4 while on leave or travel status between permanent duty stations.

Section 144 (Amends Section 7508 of the Internal Revenue Code of 1986): Qualifies those serving on a contingency operation for automatic extensions to file taxes.

Section 145 (Amends Section 1588 of Title 10): Allows retired judge advocates, family members, and others with the required skills to perform legal services On a volunteer basis while being protected from financial liability for malpractice.

Section 147 (Amends Sections 301 and 308 of Title 37) : Extends authority to employ accession and retention bonuses for enlisted members and continuation pay for aviators.

Section 151 (Amends Section 407 of Title 37): Authorizes dislocation allowance for members who move from their home to their first duty station so long as the members dependents actually move.

Section 152 (Amends Section 404 of Title 37): Permits payment of temporary lodging expenses to officers making their first PCS move.

Section 156 (Amends Section 1174 of Title 10): Extends eligibility for separation pay to Reserve officers who twice fail selection for promotion or decline continuation on active duty.